

May 1, 2024

Via ECF and E-mail

The Honorable John P. Cronan
United States District Court
Southern District of New York
500 Pearl Street, Room 1320
New York, NY 10007

Re: *Wells Fargo Bank, N.A., as Securities Intermediary v. The United States Life Insurance Company in the City of New York*, Case No. 1:22-cv-08606-JPC

Dear Judge Cronan,

Plaintiff Wells Fargo Bank, N.A., as Securities Intermediary (the “Securities Intermediary”)¹ and Defendant the United States Life Insurance Company in the City of New York (“U.S. Life”) jointly submit this letter-motion to request short extensions of the deadlines to (1) complete expert discovery, and (2) submit the joint status letter pursuant to Item 18 of the Case Management Plan.

The parties specifically seek to extend the expert discovery deadline from June 13, 2024 to June 27, 2024, including interim deadlines of May 15, 2024 (for the Securities Intermediary to submit its disclosures), June 14, 2024 (for U.S. Life to submit its disclosures) and June 27, 2024 (for the parties to complete expert depositions). As for the joint status letter, the parties request to extend that deadline until July 10, 2024.

The parties have diligently litigated this case from inception. At this point, the parties have completed all fact discovery except for a single deposition that is scheduled for May 14, 2024. No further fact discovery is anticipated from either party, as the fact discovery deadline expired on April 15, 2024, with the exception that the parties were granted leave to take the deposition scheduled for May 14 out of time. *See* ECF No. 64.

The current deadline to complete expert discovery is June 13, 2024.² *See* ECF No. 57. Consistent with the Court’s order permitting the parties to establish interim discovery deadlines, the Securities Intermediary proposed a May 15, 2024 deadline for it to serve its expert disclosures pursuant to Federal Rule of Civil Procedure 26(a)(2). U.S. Life agreed to this deadline so long as its deadline to serve expert disclosures was June 14, 2024. In turn, the Securities Intermediary agreed to this deadline subject to the Court’s approval of an extension of the expert discovery deadline.

In view of this agreement, the parties now seek to extend the expert discovery deadline to June 27, 2024 solely to permit: (1) U.S. Life to serve its expert disclosures on June 14, 2024; and (2) the parties to complete expert depositions by June 27, 2024. The extension is requested so the

¹ At all times, Securities Intermediary has acted, and continues to act, solely in a ministerial capacity as a securities intermediary for a third-party customer pursuant to the Uniform Commercial Code. *See* U.C.C. § 8-102(a)(14).

² The original deadline to complete expert discovery was October 30, 2023. *See* ECF No. 41 at 2. That deadline was subsequently extended until March 15, 2024, ECF No. 47, and later extended to the current deadline of June 13, 2024, ECF No. 57.

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parties have a meaningful opportunity to review one another's disclosures and prepare for expert depositions.

In view of this request, the parties also seek to extend the June 20, 2024 deadline to submit the joint status letter described in Item 18 of the Case Management Plan until July 10, 2024. This extended deadline would permit the parties to meaningfully develop their proposed suggested next steps in this litigation (which will be documented in the letter required by Item 18 of the Case Management Plan) in view of what develops through the remaining discovery.

These extended deadlines are not sought for the purposes of delay. To the contrary, the parties seek these brief extensions so that they can meaningfully prepare for expert depositions following the parties' expert disclosures.

Respectfully submitted,

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The request is granted. The expert discovery deadline is extended to June 27, 2024. Wells Fargo shall submit its disclosures by May 15, 2024, U.S. Life shall submit its disclosures by June 14, 2024, and the parties shall complete expert depositions by June 27, 2024. The parties shall file the joint status letter by July 10, 2024. The Clerk of Court is respectfully directed to close Docket Number 69.

SO ORDERED.
Date: May 2, 2024
New York, New York



JOHN P. CRONAN
United States District Judge